

REMARKS

Rejection Summary

Claims 1-9, 12-16, 18, 20-21 and 23-28 are rejected under 35 U.S.C. § 102(e).

Claim 17, 19 and 22 has been rejected under 35 U.S.C. § 103(a).

Claim 10-11 has been objected to as being dependent upon a rejected base claim.

Applicant respectfully traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in view of the following remarks.

Amendments to the Claims

There have been no amendments to the claims.

Therefore no new matter has been added.

No amendment or argument was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Objections

The Office Action objects to claim 10 and 11. This objection is respectfully traversed. Accordingly, Applicants request the withdrawal of the objection to the claims.

Claim Rejections

The Office Action rejects, under 35 U.S.C. § 102(e), Claims 1-9, 12-16, 18, 20-21 and 23-28 over Gallagher et al. U.S. Patent Application No. 2004/0192211 (Gallagher).

The Office Action rejects, under 35 U.S.C. § 103, claims 17 over Gallagher.

The Office Action also rejects, under 35 U.S.C. § 103, claim 19 and 21 over Gallagher in view of Examiner's official Notice.

These rejections are respectfully traversed.

Independent claim 1, and similarly independent claims 25, 26 and 28 provide, *inter alia* the steps of exchanging traffic information between a base station and a mobile station on at least one radio channel in the unlicensed radio frequency band and exchanging control information that is associated with the traffic information, in the licensed radio frequency band. Contrary to the Examiners statement that all elements of claim 1 are anticipated by Gallagher, the steps of exchanging traffic information between a base station and a mobile station on at least one radio channel in the unlicensed radio frequency band and exchanging control information that is associated with the traffic information, in the licensed radio frequency band are not. Gallagher does disclose a subscriber device 12 that comprises a licensed wireless communication signal processing circuit and an unlicensed wireless communication signal processing circuit and a memory which includes instructions to receive through the unlicensed wireless communication signal processor frequency information from a licensed wireless

system. Also instructions to monitor and determine the signal strength from an unlicensed wireless system. This is simply not the same as exchanging traffic information between a base station and a mobile station on at least one radio channel in the unlicensed radio frequency band and exchanging control information that is associated with the traffic information, in the licensed radio frequency band.

Similarly, independent claim 25 recites *inter alia*, A wireless communication device The comprises a message scheduling module, that schedules traffic information to be sent in the unlicensed radio frequency band and that schedules control information which is associated with the traffic information to sent in the licensed radio frequency band; and a transmitter that transmits traffic information over a first channel in the unlicensed radio frequency band, and transmits control information associated with the traffic information over the second channel in the licensed radio frequency band. As discussed above, contrary to the Examiner's statement that the elements of a message scheduling module, that schedules traffic information to be sent in the unlicensed radio frequency band and that schedules control information which is associated with the traffic information to sent in the licensed radio frequency band and , a transmitter that transmits traffic information over a first channel in the unlicensed radio frequency band, and transmits control information associated with the traffic information over the second channel in the licensed radio frequency band, are disclosed by Gallagher, they are not.

Thus, Gallagher fails to disclose, teach or suggest all of the features of independent claims 1, 25, 26 and 28.

Therefore, Applicants respectfully submit that independent claims 1, 25, 26 and 28 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102, 35 U.S.C. § 103.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Respectfully submitted,

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